

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2455

(Reference to printed bill)

1 Page 1, line 11, strike "or" insert a comma; after "abandoned" insert "OR OTHERWISE
2 RECEIVED"

3 Page 2, between lines 2 and 3, insert:

4 "Sec. 3. Title 12, chapter 7, article 8, Arizona Revised Statutes, is
5 amended by adding section 12-943, to read:

6 12-943. Authorized dispositions

7 ALL PROPERTY THAT IS DESCRIBED IN SECTION 12-941 AND THAT IS IN THE
8 POSSESSION OF A STATE, COUNTY, CITY OR TOWN AGENCY MAY ONLY BE DISPOSED OF
9 PURSUANT TO THIS ARTICLE."

10 Renumber to conform

11 After line 17, insert:

12 "Sec. 5. Section 13-3108, Arizona Revised Statutes, is amended to
13 read:

14 13-3108. Firearms regulated by state; state preemption;
15 violation; classification; definition

16 A. Except as provided in subsection ~~F~~ G of this section, a political
17 subdivision of this state shall not enact any ordinance, rule or tax relating
18 to the transportation, possession, carrying, sale, transfer, purchase,
19 acquisition, gift, devise, storage, licensing, registration, discharge or use
20 of firearms or ammunition or any firearm or ammunition components or related
21 accessories in this state.

22 B. A political subdivision of this state shall not require the
23 licensing or registration of firearms or ammunition or any firearm or
24 ammunition components or related accessories or prohibit the ownership,

1 purchase, sale or transfer of firearms or ammunition or any firearm or
2 ammunition components, or related accessories.

3 C. A political subdivision of this state shall not require or maintain
4 a record in any form, whether permanent or temporary, including a list, log
5 or database, of any of the following:

6 1. Any identifying information of a person who leaves a weapon in
7 temporary storage at any public establishment or public event, except that
8 the operator of the establishment or the sponsor of the event may require
9 that a person provide a government issued identification or a reasonable copy
10 of a government issued identification for the purpose of establishing
11 ownership of the weapon. The operator or sponsor shall store any provided
12 identification with the weapon and shall return the identification to the
13 person when the weapon is retrieved. The operator or sponsor shall not
14 retain records or copies of any identification provided pursuant to this
15 paragraph after the weapon is retrieved.

16 2. Except in the course of a law enforcement investigation, any
17 identifying information of a person who purchases, sells or transfers a
18 firearm, unless the transaction involves a federally licensed firearms
19 dealer.

20 3. The description, including the serial number, of a weapon that is
21 left in temporary storage at any public establishment or public event.

22 D. A political subdivision of this state shall not enact any rule or
23 ordinance that relates to firearms and is more prohibitive than or that has a
24 penalty that is greater than any state law penalty. A political
25 subdivision's rule or ordinance that relates to firearms and that is
26 inconsistent with or more restrictive than state law, whether enacted before
27 or after ~~the effective date of the amendment to this section~~ JULY 29, 2010,
28 is null and void.

29 E. A political subdivision of this state shall not enact any
30 ordinance, rule or regulation limiting the lawful taking of wildlife during
31 an open season established by the Arizona game and fish commission unless the
32 ordinance, rule or regulation is consistent with title 17 and rules and

1 orders adopted by the Arizona game and fish commission. This subsection does
2 not prevent a political subdivision from adopting an ordinance or rule
3 restricting the discharge of a firearm within one-fourth mile of an occupied
4 structure. For THE purposes of this subsection, "take" has the same meaning
5 prescribed in section 17-101.

6 F. THIS STATE, ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE AND
7 ANY LAW ENFORCEMENT AGENCY IN THIS STATE SHALL NOT FACILITATE THE DESTRUCTION
8 OF A FIREARM OR PURCHASE OR OTHERWISE ACQUIRE A FIREARM FOR THE PURPOSE OF
9 DESTROYING THE FIREARM EXCEPT AS AUTHORIZED BY SECTION 13-3105 OR 17-240.

10 ~~F.~~ G. This section does not prohibit a political subdivision of this
11 state from enacting and enforcing any ordinance or rule pursuant to state law
12 or relating to any of the following:

13 1. Imposing any privilege or use tax on the retail sale, lease or
14 rental of, or the gross proceeds or gross income from the sale, lease or
15 rental of, firearms or ammunition or any firearm or ammunition components at
16 a rate that applies generally to other items of tangible personal property.

17 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
18 or guardian or a certified hunter safety instructor or certified firearms
19 safety instructor acting with the consent of the minor's parent, grandparent
20 or guardian from knowingly possessing or carrying on the minor's person,
21 within the minor's immediate control or in or on a means of transportation a
22 firearm in any place that is open to the public or on any street or highway
23 or on any private property except private property that is owned or leased by
24 the minor or the minor's parent, grandparent or guardian. Any ordinance or
25 rule that is adopted pursuant to this paragraph shall not apply to a minor
26 who is fourteen, fifteen, sixteen or seventeen years of age and who is
27 engaged in any of the following:

28 (a) Lawful hunting or shooting events or marksmanship practice at
29 established ranges or other areas where the discharge of a firearm is not
30 prohibited.

31 (b) Lawful transportation of an unloaded firearm for the purpose of
32 lawful hunting.

1 (c) Lawful transportation of an unloaded firearm for the purpose of
2 attending shooting events or marksmanship practice at established ranges or
3 other areas where the discharge of a firearm is not prohibited.

4 (d) Any activity that is related to the production of crops,
5 livestock, poultry, livestock products, poultry products or ratites or
6 storage of agricultural commodities.

7 3. The regulation of land and structures, including a business
8 relating to firearms or ammunition or their components or a shooting range in
9 the same manner as other commercial businesses. Notwithstanding any other
10 law, this paragraph does not authorize a political subdivision to regulate
11 the sale or transfer of firearms on property it owns, leases, operates or
12 controls in a manner that is different than or inconsistent with state law.
13 For the purposes of this paragraph, a use permit or other contract that
14 provides for the use of property owned, leased, operated or controlled by a
15 political subdivision shall not be considered a sale, conveyance or
16 disposition of property.

17 4. Regulating employees or independent contractors of the political
18 subdivision who are acting within the course and scope of their employment or
19 contract.

20 5. Limiting or prohibiting the discharge of firearms in parks and
21 preserves except:

22 (a) As allowed pursuant to chapter 4 of this title.

23 (b) On a properly supervised range as defined in section 13-3107.

24 (c) In an area approved as a hunting area by the Arizona game and fish
25 department. Any such area may be closed when deemed unsafe by the director
26 of the Arizona game and fish department.

27 (d) To control nuisance wildlife by permit from the Arizona game and
28 fish department or the United States fish and wildlife service.

29 (e) By special permit of the chief law enforcement officer of the
30 political subdivision.

31 (f) As required by an animal control officer in performing duties
32 specified in section 9-499.04 and title 11, chapter 7, article 6.

1 (g) In self-defense or defense of another person against an animal
2 attack if a reasonable person would believe that deadly physical force
3 against the animal is immediately necessary and reasonable under the
4 circumstances to protect oneself or the other person.

5 ~~G.~~ H. A violation of any ordinance established pursuant to subsection
6 ~~F~~ G, paragraph 5 of this section is a class 2 misdemeanor unless the
7 political subdivision designates a lesser classification by ordinance.

8 ~~H.~~ I. For the purposes of this section, "political subdivision"
9 includes a political subdivision acting in any capacity, including under
10 police power, in a proprietary capacity or otherwise."

11 Amend title to conform

JUSTIN PIERCE

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